

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

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|---|---|---------------------------|
| GARY BELL |) | |
| ID# 1479086 |) | |
| Petitioner, |) | |
| vs. |) | No. 3:10-CV-2344-K |
| |) | |
| RICK THALER, Director, |) | |
| Texas Department of Criminal |) | |
| Justice, Correctional Institutions |) | |
| Division, |) | |
| Respondent. |) | |

**ORDER ACCEPTING FINDINGS AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

On February 24, 2011, the United States Magistrate Judge entered his findings and recommended that the Court deny petitioner's application for habeas relief. On March 10, 2011 and April 5, 2011, the Court granted petitioner additional time to prepare his objections to the Magistrate Judge's findings. On May 4, 2011, petitioner filed a document titled "Petitioner's Traverse to the Respondent's Answer With Brief in Support," which the Court construes as his objections to the findings and recommendation. In sum, petitioner claims that respondent misstated the facts and law, urges that the state habeas proceeding was flawed, and re-alleges his claims of ineffective assistance of counsel and defective indictment. Petitioner also attached 56 pages of exhibits to his objections.

After reviewing all relevant matters of record in this case, including the Findings, Conclusions, and Recommendation of the United States Magistrate Judge and

petitioner's objections thereto and attached exhibits, in accordance with 28 U.S.C. § 636(b)(1), the undersigned District Judge is of the opinion that the Findings and Conclusions of the Magistrate Judge are correct and they are accepted as the Findings and Conclusions of the Court.

The Court notes that the affidavits of Chiquita Reese and Jeremy DeWayne Reese, which were not before the Magistrate Judge, contain information that is cumulative of trial testimony by witnesses Laketha Lusk, Chiquita Reese, Joshua Ellison, and Loretta Beachum, and do not establish that petitioner's counsel was ineffective. Petitioner's remaining objections re-assert his grounds for relief that have been thoroughly and appropriately considered by the Magistrate Judge. Those objections are therefore **OVERRULED**.

SO ORDERED.

SIGNED this 11th day of May, 2011.

A handwritten signature in black ink, reading "Ed Kinkeade", written in a cursive style.

ED KINKEADE
UNITED STATES DISTRICT JUDGE